

Translation

PATENT COOPERATION TREATY

PCT/EP2003/013370

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference B02/0755PC	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/EP2003/013370	International filing date (<i>day/month/year</i>) 27 November 2003 (27.11.2003)	Priority date (<i>day/month/year</i>) 28 November 2002 (28.11.2002)
International Patent Classification (IPC) or national classification and IPC C07D 317/26, C07C 45/82, 47/198		
Applicant BASF AKTIENGESELLSCHAFT		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. (*sent to the applicant and to the International Bureau*) a total of _____ sheets, as follows:

sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. (*sent to the International Bureau only*) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

Box No. I Basis of the report

Box No. II Priority

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

Box No. IV Lack of unity of invention

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Box No. VI Certain documents cited

Box No. VII Certain defects in the international application

Box No. VIII Certain observations on the international application

Date of submission of the demand 22 June 2004 (22.06.2004)	Date of completion of this report 15 October 2004 (15.10.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:

- international search (under Rules 12.3 and 23.1(b))
- publication of the international application (under Rule 12.4)
- international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

The international application as originally filed/furnished

the description:

pages _____ 1-16 _____, as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

the claims:

pages _____ 1-12 _____, as originally filed/furnished

pages* _____, as amended (together with any statement) under Article 19

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

the drawings:

pages _____, as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

the description, pages _____

the claims, Nos. _____

the drawings, sheets/figs _____

the sequence listing (specify): _____

any table(s) related to sequence listing (specify): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____

the claims, Nos. _____

the drawings, sheets/figs _____

the sequence listing (specify): _____

any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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National application No.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-12	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-12	NO
Industrial applicability (IA)	Claims	1-12	YES
	Claims		NO

2. Citations and explanations

1). The following document represents the closest prior art:

D1: EP-A-0 987 261 (DAICEL CHEMICAL INDUSTRIES LTD)
22 March 2000 (2000-03-22).

2). Novelty is recognized in relation to D1 since the claimed method is a one-step method. D1 describes a two-step method.

3). D1 presents the closest prior art.

The problem to be solved: providing an alternative method of producing dialdehyde monoacetals.

Whether the final compound is obtained through a one-step or a two-step method cannot be considered crucial because a person skilled in the art knows that the reaction takes place.

The applicant argues that the method according to the invention has an economic advantage and should therefore be recognized as involving an inventive step.

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This argument is not convincing, for an economic problem is not a technical problem. An inventive step can only be recognized when a technical solution is proposed for a technical problem.

In the absence of an advantageous effect, inventive step cannot be recognized.

4). There are no objections with regard to industrial applicability.